



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/805,697

03/22/2004

Luciano Salice

298-229

8730

28249 7590 05/22/2007
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
SUITE 702
UNIONDALE, NY 11553

EXAMINER

WILLIAMS, MARK A

ART UNIT

PAPER NUMBER

3676

MAIL DATE

DELIVERY MODE

05/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/805,697	Applicant(s) SALICE, LUCIANO	
	Examiner Mark A. Williams	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13, 16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 10-13, 16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to because it doesn't further limit claim 4.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a line passing through centers of said two accommodating recesses... smoother surfaces" of claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 8, 9, 13, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 446,972 ('972). An adaptor for a braking deceleration device for doors or movable furniture parts is provided, which comprises a plunger *A* which can be pushed into a housing against a braking force, and an adaptor body *K*, the adaptor body comprises at least one accommodation recess for accommodating the housing *M* of the braking deceleration device and

removably retaining the braking deceleration device housing therein, and in the adaptor body comprises at least one smooth external surface by which it can be fixed to the frame or furniture carcass by a suitable adhesive, the adaptor body comprises two smooth external surfaces which are essentially aligned at right angles in relation to each other. The adaptor body comprises an essentially triangular cross section with two smooth external surfaces at right angles, as claimed. The outer surface of the recess is considered a circumferential rim, as claimed.

Patent '972 discloses the claimed invention except (1) two accommodating recesses as claimed, and (2) two-sided adhesive as claimed, and (3) the claimed location relationship of the two recesses compared to other parts of the adaptor body.

Regarding (1), it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device in this way, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. One reason one may elect to form such a modification may be to provide an additional braking device to reinforce the braking action.

Regarding (2), although Patent '972 may not explicitly teach two-sided adhesive as claimed, the examiner serves Official Notice that such adhesive materials, such a two-sided tape, as very well known in the art of joining members. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of '972 such a modification, for the purpose of providing alternative means of fastening two members together.

Applicant has requested explicit documentation supporting the examiner's assertion of Official Notice with respect to double-sided adhesive tape. Both Dagley et al., US Patent 6,262,373, and Steinhilber, US Patent 5,407,157, provide teaching of using double-sided adhesive tape in applications involving mounting elements to furniture. Thus in view of these teachings, use of such tape would be obvious.

Regarding (3), it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the recesses in this way, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Such an arrangement is not critical to the design and would have produced no unexpected results. One reason for such a modification would be to achieve a desired visual appearance of the device.

3. Claims 2, 3, 5-7, 10-12, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 446,972 ('972) in view of Foltz, US Patent 3,390,419. Regarding the limitations of double sided tape and two accommodating recesses, see the above 103 rejection. Patent '972 discloses the majority of the claimed invention, including a rim *O*. The claimed invention is provided, except for teaching the general concept of a blind bore surrounding the recess to engage the rim on the braking device in a close press-fit. It is well known in the art of connectors and bearings to use such structure as a way of enhancing the joining two members together. Foltz provides the general concept of a blind bore to engage a rim portion of a pin-head 46 (see figure 2). One benefit from such a design is that it allows for a flush mounting of the pin-head. It would have been obvious at the time the invention was made for one skilled in the art to have included in the design of Patent '972 such a modification, for the purpose of providing a flush mounting of the portion of the braking device extending out of the adaptor body; this may provide added visual enhancement to the device, as well as a smoother outer surface of the adaptor device.

Response to Arguments

4. Applicant's arguments filed 10/18/06 have been fully considered but they are not persuasive.

Applicant has requested explicit documentation supporting the examiner's assertion of Official Notice with respect to double-sided adhesive tape. Both Dagley et al., US Patent 6,262,373, and Steinhilber, US Patent 5,407,157, provide teaching of using double-sided adhesive tape in applications involving mounting elements to furniture. Thus in view of these teachings, use of such tape would be obvious.

Applicant argues that even if the examiner's asserted Official Notice were properly taken, that '972 clearly teaches away from the use of such tape. The examiner disagrees. It is well known in the art of connectors to use various "suitable" means of connecting one member to another, and such modifications are obvious in view of the state of the art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If repeated attempts to contact the examiner fail, the examiner's supervisor Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
5/10/07



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER